THE NEW YORK HERALD.

WHOLE NO. 6889.

SUNDAY MORNING, JULY 8, 1855.

PRICE TWO CENTS.

THE PROBIBITORY LIQUOR LAW.

Trial of the First Viciation of the New Law -Argument of counsel.
MARINE COURT. Before Hop. Judge Birdsall.

JULY 7.—In the Cose of the People, on Complaint of Henry Hill, vs. Charles E. Smith.—This case was resumed yester by morning, pursuant to adjournment, Col. Seaver spearing for the prosecution, and Mr. H. Morris n for the defence.

The Judge said he would prefer to have the case argued before the Court of Sessions, although he was willing to hear it, if the course! for the defence was urgent to argue it before him.

Mr. Morrison desired to argue in this court; and the Judge having complied, he proceeded with

his argument, as follows:—
The first point said he, which I desire to present to your Honor is, that the fourth section of the new law, which attempts to make the defendant guilty of a misdemeanor, is void, by reason of its unconstitutionality; therefore, he continued, there is no offence created by the act for which the defendant can be held; therefore the process issued under the section is void, the proceedings are void, and the justice has no jurisdiction in the matter to proceed, and the defendant must be discharged. Section 4 provides:—

section prov deep snail forest all the squar kept by him is violation of either of the preceding sections, and be puniabed as follows, &c

Now, the issue before the jury is or may he:—Has the defendant sold? Has he kept for sale? Has he given it away except as a physician? Has he kept it for ear-amental purposes? and any other of the violations prohibited. The verdict of the jury being on one of those issues: alone adverse to the defendant. The judgment of the Court for the forleitures provided in the 4th section is not authorised by the resue; the jury has not passed upon the question whether the liquor kept by the defendant was in violation of either of the provisions of the prior sections of the law, and therefore the unconstitutionality of the section is manifest, as the forfeiture violates the following clauses of the provisions of the constitution of the State of New York:—

Article I. Section I. No member of this State shall be disfranchised, or be deprived of any of the rights or privileges accured to any citizen thereof, unless by the saw of the land or the judgment of his peers.

The right to his property, perhaps to the amount of thousands of dollars, is thus disposed of without a trial or judgment of the peers, for they, the jury, have not been charges with the question whether the liquor was kept in violation, &c., but only has the defendant sold, &c. Article I., section 2, provides:—

The trial by jury, in all cases where it has been here-

In any trial in any Court whatever, the party accused in the contrary been abolished. Art., section 6, provides:

In any trial in any Court whatever, the party accused hall be allowed to appear and defend in person and with bounce, as in civil actions.

Sounsel, as in civil actions.

Now, in such a case of forfeiture as this, he, the defendant, has not been allowed to appear and defend; he has never had a trial on the question involved in the judgment of the Court. He has not been heard in accusation or defence, whether he, the defendant, has kept the liquor adjudged forfeited in violation or the law. Art. I., section 5, provides:

That unusual punishments shall not be inflicted.

Now, if by that law the forfeiture could pass the Boylis and Charybois of the constitution to such a buccaneer of the law as this attempted forfeiture, the last section of the constitution saves the intended section of the law, for it is "an unusual punishment." It violates the provision of the constitution in Art. I, section 6, which provides, no person shall be deprived of life, liberty or property, without due process of law. Due process of iaw means indictment or presentment by a grand jury. Lord Coke, 2, 45 and 50. Gaylor vs. Porter, IV., Hill 146. 3d Leory on the Constitution. 2 Kent 13 and note. Thus the section of the law under which the offence with which the defendant is charged being unconstitutional, all proceedings under it are vold, and there is no law to give the magistrate jurisdiction. An unconstitutional law can sford no justification to any officer acting under it. Strom vs. Hammond, 3 Molesan, 107. "An order made by a Justice of the Peace concerning a matter not within his jurisdiction, is vold, and he and all ministerial officers who executs the order are trespasses." When vs. Wishers, 3 Cranch 331. Comp. 140, 7 B and C 536. 5 M. and S., 314, 11 C. on R. 957 Wend. 200. It has long been settled, Martin vs. Marshall, Hob. 63, that the magistrate must not only have jurisdiction of the subject matter, but of the process; and it the law conferring jurisdiction is faulty, defective as respects the process, which is the foundation of the jurisdiction, the jurisdiction of the jurisdiction, the jurisdiction of the foundation of the jurisdiction, the jurisdiction does not exist. Grunday vs. Ray-

ted States," in section first of the act entitled "an act for the prevention of intemperance, panger's in and crime," passed doril 9, 1855, except imported liquor, from the operation of the act. The right to rell is connected with the law permitting importation, and as an inseparable incident is mevitable. Per Chief Justice Marshall. Decision of the Supreme Court of the United States. Recent and others vs. Maryland. 12 Wheston R. 419. Liquor than having paid duty under the revenue law of the United States, the right to sell it is its inevitable incident, and it is therefore liquor in the very language of the section of the law under consideration, the right to sell which in this State it is given by the law of the United States, to wit: the law which permits its importation.— Tariff act of 1846. By observing the letter of the statute, there cannot be any question as to the intent and operation of the exception, and the letter must govern for the following reasons:— Ist. It is a penal statuts. Penal statute receive a strict interpretation. The general words of a penal statute shall be restrained for the benefit of him sgainst whom the penalty is implied. Thus the statute of E. 6 C. 12 having enacted that those who were convicted of having stolen horses should not have the benefit of clorgy, the judges all concurred that this did not extend to nim that should steal but one horse, and therefore procured a new act for that purpose the following year.—Dwarrison statutes, page 68. A penal law shall not be x-tended by construction of the law of Eagland, does not allow of constructive offences or of arbitrary punishment. No man incurs a penalty unless the act which subjects him to it is clearly both within the spirit and letter of the statute imposing such penalty. If such rules are violated, waid Best. C. J. in the case of Fletcher vs. Lind Somes, 3 Bingham 580, the fate of accused persons is decided by the arbitrary disorction of the padges, and not by the capred by construction of the common law, great strictness an

any alteration other than what is spe ified.—Dwarrison Statutes, page 43. Melody versus R ab, 4 Causes, 471—Gibson vs. Young, 15 th, page 265. In a satute in derogation of the common law the interpretation is to be see rains to what is written. The court is not to specuate on what are the evisto be provided against, and thus come to a conclusion in confermity to what a theral and munificant than that displayed in the legislative provision, would approve.—Rue vs. Alter, 5 Denio, 122 4th. If the last sentence in the section under coaside atton were even repugnant to the whole of the preceding previsions and sectences—not that it is ever so—then the last ter part of the section prevails, and repeals t as w ich precedes, and is repugnant to it.—Harrington vs. Trustees of Rochester, 10 Wend, p. 555. My third soint is, the burthen of proof that the liquer soid was not imported liquer is up in the prosecutor. The exception being stated in the enacting clause, it will be necessary to negative it, in order that the description of the offence may in all respects correspond with the statute.—6 Barbour, S. O. R., 313; K-nt Com. vol. 1, p. 463; 2 Hale, 170; 1 Burr 148; Post, 430; 1 East, 646 and notes; 1 T. R., 144; 1 Lew., 26; Com. Dig. Statutes; 1 Chitzy on Pleasung, 357; State vs. Munger, 15 Vermont R., 290. The presumption of law is ever-indivor of the indicence of a party charged with an offence, therefore the law presumes the defendant guilties of having done the act which makes the offence.—Rosco-'s Crim. Evidence, 79. Thus, on an indictment under 42 Geo. III., c. 167, which made it relony to course deer in an enclosed ground without the consent for hower of the deer, it was held that proof of the consent not having been given must have been produced on the part of the law, it must, in the indictment, charge the dischant is not within the machine of the presention.—To be a statute where there is an exception in the eracting clause that the plaintiff must not show that the party who he sues is not within them."—Dwarri

iavor of liberty is to be adopted.—Commonwea'th vs. Martin, 17 Mass, 359. Same vs. Kenston, 5 Peck, 420.

ABGUMENT FOR THE PROBECUTION.

Col. Sever spoke as follows for the prosecution:—Your Honor's decision, said he, will be upon the jurisdiction which the law gives you in cases of this kind under the act of April 9, 1855, as limiting your action merely to that of a sitting or committing magistrate. The criterion by which your honor is to be governed as such sitting magistrate in this case, will be found laid down by the eminent authority which the gentleman has just read in the decision of Wheston's, as given by Chief Justice Marshall, who decided that the duty of a committing magistrate when an offence is charged, is to ascertain if the facts sworn to in the affidavit upon which the warrant of arrest has been issued, are such as to induce the mind of the magistrate to believe there is probable cause that the offence charged has been committed. In arriving at this, and in the exercise of your duties, you are not bound to bear any justifying or rebutting evidence from the defendant. Your duties are analagues to those of a Grand Jury, who hear only one side of the question, and if the proof is sufficent to induce you to believe that an offence squiest the penal law has been committed, you are bound to commit the parties for trial. In this case the affidavit has been presented, pursuant to the provisions of this sect it bas been stated under oath that the man received brandy and paid Mr. Smith that the man received brandy and paid Mr. Smith the refor the mency in presence of the witness. The act under consideration passed by the last Legisla ture, is the first section, prohibits the sale and giving away or disposing of all intoxicating itquors of every description, except as thereafter in the same at provided for the sale on it for mechanical, medicinal or sacramental purposes. One clause of this section such the gentleman contends that the onus rest upon the prove tuton to prove, by competent textinony, that th

upon the prosecution to prove, by competent testimony, that the liquorsoid is not within the provisions of this section of the law. In my humble judgment, that proof rests upon the defendant; and admitting the legal theory which he invokes, nevertheless a defendant is bound to prove that he has the right to seil this liquor, by reason of the fact that it was imported. Now, by no possible application, no legal or sound application of the fact that it was imported to some application of the fact that the prosecution must prove that the defendant; he sands here charged with a violation of the law, and sets up as the main point of his defence that the prosecution must prove that he had not the right to seil this liquor. The prohibition is in the broad language of the statue, and the fourth section imposes upon him a penalty for violating the first section. Your Honor has, therefore, only to decide whether you will commit Mr. Smith for trial to the Court of Sessions. I would further remark to your Honor, that slithough there is no positive prohibition in the constitution, or any law I am aware of, taking from your honor the discretionary right to judge of the constitutionality of an act, yot it is a sound and judicial practice for a magnetate never to decide the constitutionality of an act, yot it is a sound and judicial practice for a magnetate never to decide the constitutionality of an act, yot it is a sound and promition of it has a superior to the law. The gentleman also contends that this being a penal statute, it must be construed strictly. That is the meaning of that princips as laid down and adhered to? What does the constitution of the law, when he is called upon to do so, because it belongs more properly to an appellate court. The gentleman also contends that this being a penal statute it must be construed strictly? In understand that nothing more is meant than that the court shall not enlarge the application of the law. Now, you can take nothing by inference in any statute. It is is only in the applicati ring jurisdiction is faulty, detective as respects the process, which is the foundation of the jurisdiction, the jurisdiction does not exist. Grunder vs. Raymond et al., I Carr R. 140.

My second point is, that the words "this section shall not apply to liquor the right to sell which in this State is given by any law or treaty of the United States," in section first of the act entitled "an act for the prevention of intemperature paragraphs.

Court, has decided to receive the fines from those charged with drunkenness, at the Police Court, and accordingly be has received the \$10 fine from each man committed to prison by him, and has discharged

them from custody; although the Prohibitory act expressly declares that the fines shall be reco in the same manner as in cases of misdemeanor. This magistrate thinks his plan will work better, be more convenient to all parties, and withal will save the city a great deal of unnecessary expense and trouble. Justice Bogart, the associate of the magistrate first mentioned, committed about fifteen persons Jesterday, charges with intexication. Justice Bo gart, however, does not think that the collection of the by the magistrate himself is legal under the new law, and accordingly discharges the prisoners after they have been duy examined; leaving the leasant task of recovering the fines to the Corporation Attorney. At the Se and and Third District Police Courts the usual amount of business in the intextent in line was transacted. Nothing of interest transpired yesterday, although some fun is speedily looked for.

This week Justice Pierry will precide at the Jef-

tcoked fcr.

This week Justice Piercy will preside at the Jefferson Market Police Court; and as he is a strong Maine law man, (being appointed to office by Governor Clark) he will no doubt use every exertion to get hold of some of the liquor dealers in his district

New Line of Weekly Steamers Between Cuba and Spain— Exclusive Advantage Accorded to it—How to Counteract its Injurious Effect upon our Commercial Interests. The influence of the United States in the island

of Cubs, which is at present immense, owing to the line of steamers established between New York, New Orleans, Charleston and Havans, is likely soon to be sensibly diminished, in consequence of the absence of proper regulations between the Law Company and that of the Black Warrior. It hap pens that at the beginning and close of each month ommunications are crowded upon us, while in the intermediate space of time many days elapse with out any communication between the United States

out any communication between the United States and Cuba. To-cay a Spanish company, that of Zaogroni's, comes forward to establish a weekly communication between Spain and Cubs, by means of screw protellers. These vessels are not to pay in Hawana either tennage, lighthouse, anchorage, port or other duties, and only twenty-one per cent duty on merchandise coming under the Spanish flag.

This will be a terrib'e blow to salling vessels, Spanish as well as foreign, which trade between France, England and Cuba, and consequently the profits of the enterprise will be enormous. Even the Cuban treasury will not fail to perceive the difference between the 21 per cent and the 33 per cent now paid on all goods imported from abroad. The Zangroni undertsking wid therefore make large dividends, and will in a short time establish semi weekly communications, by which, I believe, the American people and government will find their great interests here affected. There should, therefore, be established the following regulation for the steamers leaving the United States for this island, viz.:—

From New York, on the 1st, 8th, 16th, 24th.
From New York, on the 4st, 12th, 20th, 28th.
From New Cleans, on the 4st, 12th, 20th, 28th.
From Charleston, on the 3d, 11th, 19th, 27th.
By this simple regulation, the American people can have regular communication with Cabs twelve times a month. They ought not, however, to be satisfied till they have a daily communication by steemer between the United States and Havana, which might easily be done by substituting screw propeliers capable of carrying cargo and passengers, ior the sailing vessels which now carry on a trade from New York.

Theatres and Exhibition Broadway Theatres.—This theatre, sluce the return from California of Mr. and Mrs. Williams, is doing a very good business. Mr. Williams has worked hard to obtain his present position. He has been a good son to his parents, and if there were no other distinguishing quality—although he possesses many—jet this alone must uttimately achieve a successful career for him in bis profession. To-morrow evening he appears in the plete called "G'Flanningan and the Fairles," and in the "Irish Lion;" and his wife, who is one of the hest representatives of Yankee character, will sustate five characters in the place called "Law for Ladies."

Bowent Theatre.—Mr. Weldenn always any

BOWERY THEATER — Mr. Waldron, always anx ious to produce for the patrons of the old Bowery amusements of the best character, has engaged several artists of dramatic celebrity for next week. Mr. Waldron has used every means to give the most refined entertainments, at considerable expense: let his friends do their duty towards him, by ex'ending liberal patrons ge. Shakspeare's "Hamlet," with Mr. W. R. Goodall as Hamlet, is aunounced for Monday evening. Also, the drama of "Kate Karney." NIBLO'S GARDEN.-The manager of this cool and

Niblo's Garden.—The manager of this cool and beautiful theatre has been entirely successful in the engagement of Miss Louisa Pyne, aided by Mesers. Harrison, Burrant, Holman, Horncastle, and Miss Pyne. The comic opera called a "Queen for a Day." is announced for to morrow evening. Miss Louisa Pyne will introduce the song of the "Skylark," which in itself is worth the price of admission. To hear this accomplished cantatrice pouring forth her soil in sorg, like a lark, so skilfully in the science of vocali-zation that she carries her audience away from dull earth to the spheres or harmony and delight, should make Niblo's Garden the resort of the musical

duty.

Wood's Minerrane - This company have the field to themselves, and are putting large sums in the treasury. "Dark Deeds," negro minetrelay and dancing, for to morrow night.

Buckley's Sermaders. This company doing a fine business in the respective towns in this State. They will shortly return to their old half and introduce several novel features.

sound of my voice now stands the house wherein I was born."

Americal is the list of Americans registered, June 20, at the banking house of Livingston, Wells & Co., No. 8

and J. Grant Wilson, New York, W. D. Bonie, Jr., M4

ARRIVALS.

At the St. Nicholas—Col E W Jones, N. C.; J. A. Eoglish,
Washington: Dr Wilson, Vs. Dr Bescher, London, Eng; Dr
Rearchy, Halifas; C W Armstron, Albany.

At the Metropolitan—Gen G Moore, Leuisville: Hen W H
Washington, New Brunswick: Gen H Welfig, Cincinnati; A
Y Seaman, Washington, D. C.; J. S. Thracher, N. G.; John Y
Stock, Charleston, S. C.

At the Astor—C H herry, Charleston; N. Berrick, Louisisns: Protesser Mirchet, Polishchila: D. B. S. John, Alu
sy; Jas Greenleaf, R. J. raitry, E. Hobart, New Carlesne,
At the Smithonian Hofse—David Brown, New Haren; P.
Harral, N. Y.; James M. Stark, New Castle, G. W Upton, N
Y.; J. J. Bremer, Philadelphia; L. W Crabtres, Ga; David
Sutton, N. Y.

Sutton, N.Y.

At the Irving House—Judge A.L. Rosch, Indians; David Parry, Na. Prof. Esche, U.S. Cons. Surveyer; C.D. Smith, Michigan; Hen J.A. Adams, Ohio; W.D. Cook, N.C. Hon Julius Hotchkiss, Waterbury, Ct; John Acorta, N.Y. P. G. O'Callagnan, Veneruein, S.A.

Rev. L. H. King, pastor of the Duane street Methodist church, will preach this morning and even ing. The sacrament will take place at 3 P. M.
Rev. G. S. Plumley will preach three times today, in the Bicomingdale Preabyterian church, on

The teath of a series of discourses will be delivered in the Reformed Dulch church, on Fwenty-third street, by the pastor, Rov. Dr. Hardenbergh,

redemption of soul and body, to easer into life eternal, will be preached this evening by Margaret

Bishop, at the Sanctuary, 108 First street. APPOINTMENTS OF THE PROTESTANT EPISCOPAL

To day, forenoon, at St. Mark's church, Islip; afternoon, at South Oyster Bay.

Monday, evening, at Astoria. Tuesday, forenoon, at Tarrytown. Thursday, forenoon, at Stilliwater; afternoon,

Friday, atternoon, at St. Paul's church, Troy.

ORDINATIONS.

Rev. Mr. Toiburst has been ordained at Albu querque, New Mexico, the service being performed by Rev. Mr. Read, Rev. Mr. Gorman and Rev. Mr. Shaw. There was a great assemblage of American

Mr. John S. Zelia was ordained at Bangor, May 16, with a view to a mission to California, under the direction of the American Home Missionary Society.

On Wednesday, June 6, Mr. Amory Tyler was or-dained and installed over the First Congregational church in Falmouth.

Rev. David H. Porter has been tendered a unanimous call to the pastorate of the Pirst Presbyterian church of Mobile. Mr. Porter is a native of South Carolina, and a recent graduate of the Theological Sepinary at Columbia.

Seminary at Columbia.

Rev. Charles Richards, of Rensselaerville, has accepted a cell of the church in Monroeville, O.

Rev. Mr. Bloodgood, of the North State street
Presbyterian church. Rochester, has accepted a call
to the Congregational church in Enfeld, Conn.

Rev. J. B. Cleaveland, of New Haven, Conn. has
received and accepted a call to the pastorate of the
Congregational church at Egremont, Mass.

Congregational church at Egremont, Mass.

Mr. George Moore, of the senior class at Andover Seminary, has received a call to the pastorate of the Old South church in that twen.

Rev. Duncan Kennedy, D. D., of the North Dutch church in Albany, has accepted a call to the O. S. Presbyterian courch in Troy, of which Dr. Halley was recently pastor.

The Protestant Episcopal church of Dayton, Ohio, recently tendered to the Rev. G. A. Sense, of the Second Lutheran church of Baltimore, a very flat tering solicitation to become the rector of their parish. Mr. S. preached for said Episcopal congregation during the recent seasion of the General Synod at Dayton, and hen e the movement. The request has been respectfully declined.

INSTALLATIONS.

The installation of Rev. J. A. Pricat as pastor of the church at Homer, will take place on Tuesday, the 17th of July. The sermon will be preached by Rev. W. B. Sprague, D. D., of Albany.

Rev. Henry J. Gaylord, formerly pastor of the church in Plaifield, Mass., was installed by Wil-

Rev. Henry J. Gaylord, formerly pastor of the church in Plainfield, Mass., was installed by Wil-mington Presbytery, June 29, as pastor of the united churches of Drawyers and Port Penu, Dela-

Rev. William B Weed, late of Stratford, was in-stalled pastor of the First Congregational church in Norwalk, Conn.

Rev. A. G. Martin was installed as pastor of the Congregational church, of Ontario, Lagrange county, Ind., June 26.

Rev. S. D. Smith was installed at Yellow Springs, by Dayton Presbytery, O. S., last week.

Rev. Charles Wiley, D. D., bas accepted the Charcellorship of the Milwaukie University.

Rev. Henry L. Hitchcock, of Columbus, Ohio, has accepted the Presidency of Western Reserve College, Hudsov, Ohio.

Rev. George Potts, D. D., of New York, de lines the appointment as a delegate to the Synod of the Waldensen.

Wa'denses.

The Boston Christian Witness publishes the private circular of Bishop Whitenouse, in which he resigns his office as Bishop of the dicess of Illinois. He speaks of himself as suffering from the "local disquistness," "disloyatty and faction," which grieved and assailed his predecessor, and prefers to "withdraw in silence, rather than originate a discussion which might wound the peace of the church," &c.

The Evangelical Consociation of Rhode Island, which met week before last, had up with considerawhich met week before last, had up with considera-ble interest the subject of correspondence with the two branches of the Presbyterian church. The sub-ject was before this body last year, and a report was made, recommending a total ceasation of the cor-respondence. The subject having been referred to a new committee, two reports were made this year; the majority, which recommended a continuance or correspondence, and the minority recommending its discontinuance. The subject was debated with much spirit, and the majority report adopted by one majority.

one majority.

The last annual report of the Massachusetts
Home Missionary Society states that sixteen years
ago, the orthodox churches numbered three hundred and seventy-five; and of that number eighty.

ago, the orthodox churches numbered three hundred and seventy-five; and of that number eighty, or twenty-one per cent, were aided by the Home Missionary Society. Now, these churches number four hundred and sixty-nine; sad only thirty-eight are aided by that Society. That is, the number of churches has increased about a hundred, or one-quarter, while the number of feeble churches among them has diminished one half.

SWRIENDORGIAN CONVENTION IN DOSTON.

The convention which commenced its session in Boston, on the 27th ult. closed on the 1st inst., by public services and the administration of the commanion, at the church of the order, in Bowdin street. The meetings have been well attended both by delegates and members of the denomination, and the present convention has been pronounced the largest ever assembled in this country. The extra meetings in the evenings, where the familiar topics of the day have been discussed in relation to the law of progress and its connection with new church leachings, have been full of interest, and the daily collections in the vestry have been another striking feature of this body of practical Christians. The movement of the New Church would appear, by the action of this convention, to have caught something of the oward spirit of the age, and it has resoived, by means of the missionary and publishing agencies at its command, to promulgate its teachings to the world. The attention of the convention has been especially directed to the work among the Germana, and it has resoived to prosecute with vigor its promising efforts in that quarter.

A New Episcopal charge on Manut.

and it has resolved to prosecute with vigor its promising efforts in that quarter.

A New EPISCOPAL PARISH IN CINCINSATI. The friends of the Episcopal church on Walnut Hills, (now a part of Cincinnati.) have determined to proceed at once to the formation of a parish and building of a church in that most delightful place. There was a meeting of the friends of the good cause on the 26th att. Rt. Rev. Bishop Mellvain, was present, and addressed them in an eloquent, feeling and appropriate manner, in the course of which be took occasion to declare it, as his full and decided conviction, from what he had himself witnessed, that there was every encouragement to persevere, and that he had no doubt of complets and triumphant success, at the same time pledging the work. A committee of six gentlemen was then appulped to proceed immediately to the selection of a proper site for the church, and make all the necessary arrangements for having a good, next and appropriate one erected.

SUPREME COURT—SPECIAL TERM Before Hon. Judge Cowles.

Before Hon. Judge Cowles.

JULY 7.—The People against Lyman Cole, the Alleged Forger.—In the absence of Judge Morris, an application was made before Judge Cowles, before the rising of the court, to admit Lyman Cole to bail. Mr. Busteed made the motion, and the District Attorney having objected to take Cole's brother as bail, he being a non-resident, Mr. Basteed offered his own certified check for the sum of \$4,500, as security for the future appearance of the accused. The Court directed that the check be given to ex-Justice Lathrop, and that he become the bail for the appearance of Lyman Cole.

ADDITIONAL EUROPEAN NEWS.

The Reply of Russia to the Circular of Count Walewski.

Interesting Account of the Capture of the Mamelon and White Towers.

OUR PARIS AND MADRID CORRESPONDENCE,

&c., &c.,

Our Parts Correspondence PARIS, June 19, 1855.

The Progress of Events in the Crimea-The New Loan-Declarations of the French Government in Regard to the War-The Question of an Appeal to Nationalities - Kertek-Cabol's Texan Colony - Movements of American Diplomatists - Impor tant Discovery in Silk Weaving-Theatrical and Musical Gossip, &c.

The destruction of Marioupol, Gheisk and Taganrog, filled with all the traffic which for months had

ocen accumulating at their ports; the evacuation of Soujak Kale, and of Anspa itself, with the total abandonment of Circassia, not omitting the storming of the formidable position of the Mameion and the capture of 73 gues, have excited a general expectation that the great drama of the last half of the nineteenth century is hastening to its develope-ment. As the plot thickens the interest waxes in intensity, and grander deeds, as the tragedy matures, are locked for daily. The allied army, by the recent reinforcements of the French, the arrival of the Bar dinian contingent, and the best portion of the Turks from Eupatoria, is believed to be immensely supe rior in strength to the force immediately opposed to from eighty to a hundred thousand troops, defended by works of enormous strength, and co-operating by relays of men to the utmost of their power in the rison is numerous and determined, commanded by oldiers perfectly acquainted with all the resources of the art of war, and it is remembered that for garrison have given evidence of a spirit in-ferior to none exhibited by the allies. It it certain, however, that public expectation in France sent that a new feature is about to impress itself on the war. A great battle won or lost-if the former the better-but any how a battle, just at this epoch, is accounted a necessity, and a action has been very prevalent that yesterday—the famous anniversary of Waterico—would be especially chosen by the allies to wash out the memory of former hostilities in the bloodstained thoroughfares of the modern

contemplation to raise another national load, which, in the present mania for national securities, will be firing and sanguinary strife gives a fillip to such matters not to be despised. The government is, however, morbidly anxious that it should be undertood that anything like a great war is not its ob-ject:—"The honor and salest of the West," says the Constitutionnel, "Impose on France and England be war of the East. They carry it on with as much vigor and resolution as bravery and self-abnegation, but with one only thought. They will continue it until the question of the East shall have received a

solution which shall guarantee the independence of Europe, but still striving to diminish the evin of war and to avoid complicating the difficulties of the situation. We live at a time in which war, like revolution, can no longer by more than an accident in the life of cavilized people."

This is the tone which the government of France generally adopts. Nationalities are of too baoyant and vivacious a character to be sensibly depressed by anch official snubbing, and Napoleon knows they will be always available when desired; what he most fears, is a sudden plunge over the traces; and as to internal revolution, he cannot perhaps smother it better than by seeming to ignore its existence. The question, however, is a grave one when it is asked to what extent the apirit of it exists at the The question, however, is a grave one when it is asked to what extent the spirit of it exists at the present moment in France, more especially in the capital. Republicanism, notwithstanding that it has twice falled, is the ground work with which Napoleon must eventually deal; it is this that renders his presence indispensable to the most minute details; it is this that is straining every nerve and faculty of his soul till even his phlegmatic temperament begins to shake under the pressure. The only question is, how he wild deal with it. A state of peace would enable him to reform the courts of law and to grapple with a system of oppression practised by the judges de paix, under which the rights of the poor are often shamefully sacrificed to the interests of the legal confraternity, and which, it is known, has more than once builled the efforts of Napoleon to remedy. A state of war, of glory and extended empire, obliterated the rapublican mania in the time of his ancestor for well nigh fifty years, and, in the opinion of many, the time is coming when the present struggle will be mete child's play as compared with what is to follow, when nationalities by the force of eventa will obtude themselves, when the war will encircle Europe as with a girdle of fire, and the strongest desires for organic change be merged in the melée of external strife.

It is in contemplation to have a camp of manouvers established immediately in the neighborhood of Paris, and a rumor prevails that the Legislative Corps will be convoked for the 30th of July. Count de Morry, its president, is now at his estate in the Bourbonnals. The Grand Duke Constantine, brother of the new Czar, is, it is said, to be viceroy of Poland.

Everything connected with Kertch is naturally

de Morry, its president, is now at his estate in the Bourbonnais. The Grand Duke Constantine, brother of the new Czar, is, it is said, to be viceroy of Poland.

Everything connected with Kertch is naturally looked at with more or less interest. There is it seems in that piace a very remarkable old Greek church, bearing the name of St. John the Baptist, which has existed there for twelve centuries. The cupola is supported by four colossal columns in gray marble. From certain indications it is suspected to have been constructed by the first Christians that arrived in the country, and even with the ruins of the celebrated temple of Esculapius, of which the ancient authors make frequent mention. A copy of the Gospel is preserved there, written on parchment, and dated as far back as the sixth century.

Three Franch missionaries have lately arrived at Lyons from Clandiopolis, in Texas. They give a sad account of the famous communist colony founced in that state by M. Cabot.

Mr. O'Sullivan, the American Minister at the Court of Lisbon, left Paris yesterday to proceed to his post, and Mr. Dodge, the new United States Minister to Spain, has just had an interview with the Bpanish Minister for Foreign Affairs. The Hongentieman is understood to have done his turn set to efface the unpleasant feeling left behind by his predecessor, and to have succeeded in making a most favorable impression on the Spanish official, doubtless in no mind at the present moment to rake up old sorre, when every day is bringing tidings to Madrid of fresh risings among the Carlists, and the maile pools cannot travel in safety to the frontier. The despatch bag of the Frence em basy, which the robbers took possession of, contained jewelry belonging to the Countess de Moutijo, mother of the Empress Eugenie, of the value of 18,000 steriling. Letters from the Havana speak of the organization of a regiment of negro cavairy.

The Mensters Therean publishes telegraphic despatches from Rome of the 12th, relating to the attempt lacely made, by a M. Petot,

finative employment of the ground left disposable by the demolition of the buildings of the Temple, and containing 11,865 metrees. That space is to be transformed into a public garden in the English style, in the centre of which will be creeted a mounter in hondr of the unfortunate King and Queen whose doorn is an insecarably associated with the place—Louis XVI. and Marie Antoinette. The now Rue de Rivoil, as now completed, is three kilemetres and 146 nature in length, or a little less than two English miles. Its opening to its present length cost fifty millions of france, and pecessitated the demolition of 4th houses, each on an average espable of containing ten families.

The number of strangers in Paris renders the theatrical laterat of more than usual importance. Verdi's new opera, "Les Vepres Sictiliennes," has just come out, and great has been the exoltement. The libratio is by M. M. Scribe and Dovoyrier, and a very miserable libratio its; but the massic, though not equal to the authoris" it Frovator," "Frouni" and "I due Poscarl," receems it. The most strikum success is angair to a chorus which con index it in the second act. This less preduced the ulmost enthusiasm, and brought forward Verdi, after the Italian fashion, in osedience to a general call of the audience. The fourth act contains some of the gems of the opera a duet between Henri and fleiene, the soft and tender melody of which brought down a unanimous encore. But the most recarkable moreasu of all, is a barcarolle, sung by Mile. Cruvelli, the quaint melody of which she rendered with a power and freamess of volce which took the audience by storm, and drew forth a perfect hurricane of appliance. She was compelled to repeat it by a resistions demand. On the whole, the opera met with a most favorable re-reption, and it is not too muen to say that since Meyorber's "Prophete," it is the only real nausical success at the Academie Imperiale de Munique.

The I alian Opera House, which just now seems the temple of hospitality for all foreign artists, o

Glorifying Victories - The Entente Cordiale between Russia and Austria-The Czar on the Rhine-The Fleets Inactive before Cronstadt - A Third Campaign in Prospect-Its Dangers to England and France-Obstacles to a Peace on the part of Financial Nocessity to France-The Affairs of Spain-The United States and Spain-The late Know Nothing Defeats a Blow to Absolutism in Europe-The Exhibition and the American Exhibitors ... Their Character ... The American Jury and

The French and English presses have been hard

at work for a week past in rehashing and re-elaberating the recent bloodless achievements in the Sea of Azoff and the capture of the Mamelon Tower before Sebastopol. These exploits, if they do not exhibit the vast superiority of the allied forces over the Russians, prove, at least, that the Czar's forces in the Crimea require relaforcements, which no doubt will be furnished from the Army of Observation heretofore concentrated in Poland and on the ntiers of Austria. The entente cordiale between the Emperor Francis Joseph and the Emperor Alexander is re-established on a permanent footing, while Prussia and Austria are once more united in performing the office of jailers to the rest of Germany. "The reason why the Emperors of the House of Austria never succeeded in making themselves heredictary Emperars of Germany," observed. Gents, in his letters to Johannes von Muller, the German historian, "Is that that house never had any real mission to become a leading Power." An attempt to place Ferdinaud the Second on the throne of Germany, with or against the consent of the German Electors, was made by the Emperor's Ganeral, Wallenstein; but no Prince of Hapsburg, it would seem, possessed the necessary strength of mind or character even to devise a plan for such an achievement. Austria will never again be for nished a better opportunity to place herself at the head of Germany, and to put an end to the dangerous and humiliating dualism introduced by the felony of Frederick the Great, than she was offered by the Franco-English alliance. She was invited England, and preferred holding the stirrups to the Other. Pressis shared by all the smaller States; but her recent shuffling and backing out of solemn treaty stipulations have assigned her a position in Europe far less respectable than that occupied by Prussia herself. Anatria, it seems, is so weak and descript as not even to be able to profit by its miscricial antecedents, and the generous confidence of a loyal, though repeatedly betrayed and insulted people. Austria might have reduced Prussia to a Power of the second rank, and secured to herself a permanent voice in the affairs of Europe. All this is now past and gone forever. Weak by internal dissensions, despised and hated abroad, without national consciousness or ideas, with an exhausted treasury, and a government which can only issue obselence by the power of the bayonet, Austria is tottering to a final catastrophe, and exists only by the weakness of her chemics. She may again be taken into favor by the Carr; but she has lost her only chance of regaining in Germany the position she has lost, and will exist in future only as a Scievonic Power of the second rank. Austria and Prussia are now going hand in hand to secure, not the Independents of Germany, but her entire subserviency to Rassian designs. The German princus, once willing to racogniae Napolson as the prote tor of the Bussiah Confederation, are now equally ready to receive the Cara stheri liege lord, provided he will generously vouchasfe to grant them the privilege of shearing their little flok as in a manner best suited to their domestic economy. To expect more from Austria and Prussia, or the pethy princes of Germany, was, perhaps, the greatest error committed by the governments of France and England. It made them lose much precious time—protracted unaccessarily an expensive and exhausting struggle, and rendered them both bankrunt to the poblic opinion of Europe. These and England to coquette with the experience of France and England is on the Ruiser of Poland, of Hungary of the survey to secure their lumediate hove to income a barbidus print